


2013-126-T

South Carolina Department of Public Safety, State Transport Police

245025

	USDOT# 2368679		Legal: C & S TOURS LLC																
			Operating (DBA):																
MC/MX #: 812415		State #:		Federal Tax ID:															
Review Type: Safety Audit – New Entrant		Location of Review/Audit: State Field Office																	
Scope: Entire Operation		Territory:																	
Operation Types																			
<table border="1"> <tr> <td>Carrier:</td> <td>Non-HM</td> <td>N/A</td> </tr> <tr> <td>Shipper:</td> <td>N/A</td> <td>N/A</td> </tr> <tr> <td>Cargo Tank:</td> <td colspan="2">N/A</td> </tr> </table>		Carrier:	Non-HM	N/A	Shipper:	N/A	N/A	Cargo Tank:	N/A		<table border="1"> <tr> <td>Business:</td> <td>Corporation</td> </tr> <tr> <td>Gross Revenue:</td> <td>\$13000</td> </tr> </table>			Business:	Corporation	Gross Revenue:	\$13000		
Carrier:	Non-HM	N/A																	
Shipper:	N/A	N/A																	
Cargo Tank:	N/A																		
Business:	Corporation																		
Gross Revenue:	\$13000																		
for year ending: 5/31/2013																			
Company Physical Address:																			
1024 MARTIN LUTHER KING BLVD HOPKINS, SC 29061, UNITED STATES																			
Contact Name: Carl E. Council																			
Phone numbers: (1) 8033106177		(2)		Fax 8035427980															
E-Mail Address: ccouncil31@gmail.com																			
Company Mailing Address:																			
1024 MARTIN LUTHER KING BLVD HOPKINS, SC 29061, UNITED STATES																			
Carrier Classification																			
Authorized for Hire																			
Cargo Classification																			
Passengers																			
Does carrier transport placardable quantities of HM? No																			
Is an HM Permit required? No																			
Driver Information																			
<table border="1"> <tr> <td></td> <td>Inter</td> <td>Intra</td> </tr> <tr> <td>< 100 Miles:</td> <td>0</td> <td>0</td> </tr> <tr> <td>>= 100 Miles:</td> <td>1</td> <td>0</td> </tr> </table>			Inter	Intra	< 100 Miles:	0	0	>= 100 Miles:	1	0	<table border="1"> <tr> <td>Average trip leased drivers/month:</td> <td>0</td> </tr> <tr> <td>Total Drivers:</td> <td>1</td> </tr> <tr> <td>CDL Drivers:</td> <td>1</td> </tr> </table>			Average trip leased drivers/month:	0	Total Drivers:	1	CDL Drivers:	1
	Inter	Intra																	
< 100 Miles:	0	0																	
>= 100 Miles:	1	0																	
Average trip leased drivers/month:	0																		
Total Drivers:	1																		
CDL Drivers:	1																		
Equipment																			
		Owned	Term Leased	Trip Leased															
Motor Coach		1	0	0															
Power units used in the U.S.:		1																	
Percentage of time used in the U.S.:		100																	



C & S TOURS LLC
USDOT#: 2368679

Review Date:
6/3/2013

Part A

QUESTIONS regarding this report or the Federal Motor Carrier Safety or Hazardous Materials rules may be addressed to the Office of Motor Carriers at:

South Carolina State Transport Police, Motor Carrier Compliance Unit
10311 Wilson Blvd, Building D-2, Post Office Box 1893, Blythewood, SC 29016
Phone: (803) 896-2696 Fax: (803) 896-5526

This SAFETY AUDIT will be used to assess your safety compliance.

Person(s) Interviewed:

Name: Carl E. Council

Title: Owner





C & S TOURS LLC
USDOT#: 2368679

Review Date:
6/3/2013

Part B - Questions and Answers

An asterisk (*) beside an answer indicates an area of non-compliance by the motor carrier, and negatively affects the results of the audit.

Question General # 1 Section # 387.7(a) Acute Does the carrier have the required minimum level of financial responsibility in effect (property carrier)?	Answer N/A
Question General # 2 Section # 387.7(d) Critical Does the carrier have required proof of financial responsibility (property carrier)?	Answer N/A
Question General # 3 Section # 387.31(a) Acute Does the carrier have the required minimum level of financial responsibility in effect (passenger carrier)?	Answer Yes
Question General # 4 Section # 387.31(d) Critical Does the carrier have required proof of financial responsibility (passenger carrier)?	Answer Yes
Question General # 5 Section # 13901 (392.9a(a)(1)) Is the motor carrier authorized to conduct interstate operations in the United States?	Answer Yes
Question General # 6 Section # 390.15(b)(1) Can the carrier provide a complete accident register of recordable accidents?	Answer N/A
Question General # 7 Section # 390.15(b)(2) Critical Does the carrier have copies of all accident reports required by States or other government entities or insurers?	Answer N/A
Question General # 8 Section # 390.3(e) Is the carrier knowledgeable of the FMCSRs/HMRs?	Answer Yes
Question General # 9 Section # 390.21 Does the carrier know the commercial motor vehicles marking requirements?	Answer Yes
Comments Carl Council - May 30, 2013 to Ga. 2PCH33496T1011579 - Missing US in front of DOT. and missing the numbers of the USDOT number. (63686 on side of bus. should be 2668679).	
Question Driver # 1 Section # 391.51(a) Critical Does the carrier maintain driver qualification files?	Answer No *
Additional Documents Required Driver qualification files; Up to three (3) files which include newly hired drivers if applicable.	
Comments Carl Council - May 30, 2013 to Ga. Missing application for employment, Safety performance history check, initial MVR,	
Question Driver # 2 Section # 391.11(b)(4) Acute Is the carrier using physically qualified drivers?	Answer Yes
Question Driver # 3 Section # 391.45(a), 391.45(b) Critical Is the carrier using a driver without a medical certificate or with an expired medical certificate?	Answer No




Question Driver # 4 Section # 391.15(a) Acute Is the carrier using any disqualified drivers?	Answer No
Question Driver # 5 Section # 391.51(b)(2) Critical Does the carrier maintain driving inquiry data in driver qualification files?	Answer No *
Additional Documents Required Up to three driving records for the past three years	
Comments Carl Council - May 30, 2013 to Ga. - Hire Date: Jan 20 2013	
Question Driver # 6 Section # 382.115(a), 382.115(b) Acute Has the carrier implemented an alcohol and/or controlled substances testing program?	Answer Yes
Question Driver # 7 Section # 382.213(b) Acute Has the carrier used drivers who have used controlled substances?	Answer No
Question Driver # 8 Section # 382.215 Acute Has the carrier used a driver who has tested positive for a controlled substance?	Answer No
Question Driver # 9 Section # 382.201 Acute Has the carrier used a driver known to have an alcohol concentration of 0.04 or greater?	Answer No
Question Driver # 10 Section # 382.505(a) Acute Has the carrier used a driver found to have an alcohol concentration of .02 or greater but less than .04 within 24 hours of being tested?	Answer No
Question Driver # 11 Section # 382.301(a) Critical Has the carrier ensured that drivers have undergone testing for controlled substances prior to performing a safety sensitive function?	Answer Yes
Question Driver # 12 Section # 382.303(a) Critical Has the carrier conducted post accident testing on drivers for alcohol?	Answer N/A
Question Driver # 13 Section # 382.303(b) Critical Has the carrier conducted post accident testing on drivers for controlled substances?	Answer N/A
Question Driver # 14 Section # 382.305 Acute Has the carrier implemented random testing program?	Answer Yes
Question Driver # 15 Section # 382.305(b)(1) Critical Has the carrier conducted random alcohol testing at an annual rate of not less than the applicable annual rate or prorated rate of the average number of driver positions?	Answer N/A
Question Driver # 16 Section # 382.305(b)(2) Critical Has the carrier conducted controlled substance testing at the applicable prorated rate of not less than the applicable annual rate of the average number of driver positions?	Answer N/A
Question Driver # 17 Section # 40.305(a) Has the carrier conducted the required return-to-duty tests on employees returning to safety-sensitive functions?	Answer N/A

Question Driver # 18 Section # 40.309(a) Is the carrier conducting follow-up testing as directed by the Substance Abuse Professional?	Answer N/A
Question Driver # 19 Section # 382.211 Acute Has the carrier used a driver who has refused to submit to an alcohol or controlled substances test required under Part 382?	Answer No
Question Driver # 20 Section # 382.503 Critical Has the carrier used a Substance Abuse Professional as required by 49 CFR Part 40 Subpart O?	Answer N/A
Question Driver # 21 Section # 383.23(a) Critical Has a driver operated a commercial motor vehicle without a current operating license, or a license, which hasn't been properly classed and endorsed?	Answer No
Question Driver # 22 Section # 383.37(a) Acute Has the motor carrier knowingly allowed it's drivers who's CDLs have been suspended, revoked or canceled by a state, have lost the right to operate a CMV in a State, or have been disqualified from operating a CMV to operate a commercial motor vehicle?	Answer No
Question Driver # 23 Section # 383.51(a) Acute Has the motor carrier knowingly allowed, required, permitted, or authorized a driver to drive who is disqualified to drive a commercial motor vehicle?	Answer No
Question Operations # 1 Section # 395.1(e)(1), 395.1(e)(2) Does the carrier have a system for recording hours of duty status on 100/150- mile radius drivers, and are they properly utilizing the 100/150 air-mile radius exemption?	Answer N/A
Question Operations # 2 Section # 395.8(a) Critical Does the carrier require drivers to make a record of duty status?	Answer Yes
Question Operations # 3 Section # 395.8(i) Critical Does the carrier require drivers to submit records of duty status within 13 days?	Answer N/A
Question Operations # 4 Section # 395.8(k)(1) Critical Can the carrier produce records of duty status and supporting documents for selected drivers?	Answer N/A
Question Operations # 5 Section # 395.3(a)(1) Critical Has the carrier allowed driver(s) to exceed the 11-hour rule? (Property)	Answer N/A
Question Operations # 6 Section # 395.3(a)(2) Critical Has the carrier allowed driver(s) to exceed the 14-hour rule? (Property)	Answer N/A
Question Operations # 7 Section # 395.3(b)(1) Critical Has the carrier allowed driver(s) to drive after having been on duty more than 60 hours in 7 consecutive days? (Property)	Answer N/A
Question Operations # 8 Section # 395.3(b)(2) Critical Has the carrier allowed driver(s) to drive after having been on duty more than 70 hours in 8 consecutive days? (Property)	Answer N/A
Question Operations # 9 Section # 395.5(a)(1) Critical Has the carrier allowed driver(s) to exceed the 10 hour rule? (Passenger)	Answer No

Question Operations # 10 Section # 395.5(a)(2) Critical Has the carrier allowed driver(s) to exceed the 15 hour rule? (Passenger)	Answer N/A
Question Operations # 11 Section # 395.5(b)(1) Critical Has the carrier allowed driver(s) to drive after having been on duty more than 60 hours in 7 consecutive days? (Passenger)	Answer No
Question Operations # 12 Section # 395.5(b)(2) Critical Has the carrier allowed driver(s) to drive after having been on duty more than 70 hours in 8 consecutive days? (Passenger)	Answer N/A
Question Operations # 13 Section # 395.8(e) Critical Does available evidence indicate a selected driver has prepared a false record of duty status?	Answer No
Question Operations # 14 Section # 392.2 Critical Does the motor carrier ensure that drivers operate commercial motor vehicles in accordance with the laws, ordinances, and regulations of the jurisdictions in which they are operating? Additional Documents Required Statement outlining how the discovered violation was handled.	Answer No *
Comments Carl Council - May 30, 2013 to Ga. - Cited for using a hand held-mobile telephone while operating a CMV.	
Question Operations # 15 Section # 392.9(a)(1) Critical Does the carrier ensure that drivers are not permitted to drive a vehicle without the cargo properly distributed and adequately secured?	Answer N/A
Question Operations # 16 Section # 392.4(b) Acute Have any drivers operated a commercial motor vehicle while under the influence of, or in possession of, narcotic drugs, amphetamines, or any other substances capable of rendering the drivers incapable of safely operating motor vehicles?	Answer No
Question Operations # 17 Section # 392.5(b)(1) Acute Have any drivers operated a commercial motor vehicle while under the influence of, or in possession of, intoxicating beverages?	Answer No
Question Operations # 18 Section # 392.5(b)(2) Acute Have any drivers operated a commercial motor vehicle within 4 hours of having consumed intoxicating beverages?	Answer No
Question Maintenance # 1 Section # 396.3(b) Critical Can the carrier produce maintenance files for requested vehicle(s)? Additional Documents Required Complete vehicle maintenance files; up to three (3). Preventive Maintenance Plan.	Answer No *
Comments Carl Council - May 30, 2013 to Ga. - Missing maintenance folder with vehicle identification information listed.	
Question Maintenance # 2 Section # 396.17(a) Critical Can the motor carrier produce evidence of periodic (annual) inspections for selected vehicles?	Answer Yes
Question Maintenance # 3 Section # 396.11(a) Critical Does the motor carrier require drivers to complete vehicle inspection reports daily?	Answer N/A

Question Maintenance # 4 Section # 396.11(c) Acute Does the carrier ensure that out-of-service defects listed by the driver in the driver vehicle inspection reports are corrected before the vehicle is operated again?	Answer N/A
Question Maintenance # 5 Section # 396.9(c)(2) Acute Does the carrier ensure vehicles that have been declared "out-of-service" do not operate before repairs have been made?	Answer N/A
Question Maintenance # 6 Section # 396.19 Is the carrier using qualified inspectors (mechanic) and maintaining evidence of the inspector's qualifications?	Answer Yes
Question Maintenance # 7 Section # 396.3 Can the carrier explain its systematic, periodic maintenance program?	Answer Yes
Question Other # 1 Section # 375.211 Does the carrier participate in an Arbitration Program?	Answer N/A
Question Other # 2 Section # 13702.0 Does the carrier assess shipper freight charges based upon published tariffs?	Answer N/A
Question Other # 3 Section # 375.401(c) Does the carrier provide reasonably accurate estimates of moving charges?	Answer N/A
Question Other # 4 Section # 375.407(a), 375.703(b) Has the carrier avoided "hostage freight" or other predatory practices?	Answer N/A
Question Other # 5 Section # 387.301(a), 387.301(b) Does the HHG carrier have sufficient levels of public liability and cargo insurance?	Answer N/A
Question Other # 6 Section # 375.215 Does the carrier have a published tariff and is the motor carrier changing the applicable rate (375.215).	Answer N/A
Question Other # 7 Section # 375.213 Can the motor carrier identify the five documents required to be given to a prospective individual shipper prior to executing an order for service?	Answer N/A
Question Other # 8 Section # 49 CFR 37 subpart H Does the carrier have the means to provide accessible over-the-road bus (OTRB) service on a 48-hour advance notice basis by its owned or leased OTRBs? Comments Carl Council - May 30, 2013 to Ga. - Lancaster Tours in Lancaster SC Provide service.	Answer No *
Question Other # 9 Section # 49 CFR 37 subpart H If the carrier does not have the means then does the carrier have an arrangement with another carrier that operates accessible OTRBs? Comments Carl Council - May 30, 2013 to Ga.	Answer Yes

Note: No Hazardous Materials questions were asked because the carrier does not carry Hazardous Materials in Interstate Commerce.

	C & S TOURS LLC	Review Date:
	USDOT#: 2368679	6/3/2013
Part B		

Your Proposed Safety Audit Result is: **PASS**

Explanation of Scoring Methodology

Factor	Failed Questions		Performance Test Status	Total Points	Factor Status
	Critical	Acute			
1. General	0	0	—	0	PASS
2. Driver	2	0	—	2	PASS
3. Operations	1	0	—	1	PASS
4. Maintenance	1	0	PASS — 0.00 %	1	PASS
5. Hazardous Materials	—	—	—	—	—
6. Accidents	—	—	PASS — 0.00	—	PASS
SUM	4	0		4	PASS

Result: Carrier has adequate basic safety management controls in place.

NOTE: Carrier has the right to request a review of this determination if there are factual or procedural disputes.

HOW THE SA IS SCORED

FACTORS - The Federal Motor Carrier Safety and Federal Hazardous Material Regulations are categorized into six factors. Multiple questions address the various factors. The Part B Question & Answer Report lists the CFR section numbers related to each question.

CRITICAL/ACUTE - Questions are also defined as CRITICAL, ACUTE or neither depending on the significance of the underlying regulation. Questions are assigned a point value if they are incorrectly answered. Critical = 1 and Acute = 1.5. The point values are summed for each factor. Any factor with a point value of 3 or more is marked "FAILED".

OUT OF SERVICE (OOS) RATE - The Driver/Vehicle OOS rate is used in factor #4 as another question. If there have been more than three level 1, 2, or 5 North American Standard Inspections conducted over the past year, they will be summarized. If the summed OOS rate is over 34%, one additional point is assigned to that factor.

CRASH FACTOR - Carriers are defined as urban or non-urban in order to compensate for the higher crash risk of urban operations. Urban carriers are defined as those that operate within a 100 air-mile radius. The crash rate for a carrier is calculated as accidents per million miles traveled. Factor #6 is "FAILED" if the urban carrier crash rate exceeds 1.7 or the non-urban carrier crash rate exceeds 1.5.

OVERALL STATUS DETERMINATION - Any carrier with 3 or more "FAILED" factors is deemed to have failed the Safety Audit by having inadequate safety management controls in place to operate in the U.S.



C & S TOURS LLC
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Review Date:
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Part B Requirements and/or Recommendations

1. Obtain a copy of each driver's driving record and review it annually.
2. Review the circumstances under which a CDL is required. CDL and drug testing rules apply to both interstate and intrastate commerce.
3. Ensure that drivers provide a 10-year employment history on their employment application.
4. Ensure that all drivers are fully and properly qualified before operating in interstate commerce. Maintain a complete file as required for each driver, documenting the qualification process.
5. Maintain all required controlled substance testing records including yearly summaries, quarterly summaries, test information, test results, records of training etc., as required by 49 CFR Parts 40 and 382 of the FMCSR.
6. Use of radar detectors or similar devices on commercial vehicles is illegal. Do not require or permit drivers to use them. Take appropriate disciplinary action against drivers if they are using such devices.
7. Do not schedule or require drivers to make trips requiring them to exceed posted speed limits in order to complete the run within the hours of service limits.
8. Ensure that all documents supporting records of duty status (such as toll, fuel repair and other on-the-road expense receipts, as well as invoices, bills of lading, dispatch records, etc.) are kept on file for at least 6 months.
9. Obtain from any driver used for the first time (or intermittently) a signed statement showing the total time on-duty during the preceding seven (7) days and the time at which the driver was last relieved from duty.
10. Toll receipts and other on-the-road expense receipts, invoices, bills of lading, dispatch records, and other "supporting document" must be kept on file for six (6) months. This requirement also applies to records generated by the use of owner-operators. You may keep legible photocopies in lieu of originals.
11. A complete Educational and Technical Assistance package entitled "A MOTOR CARRIER'S GUIDE TO IMPROVING HIGHWAY SAFETY" is available free on the FMCSA website to assist you in complying with the safety regulations. It contains many forms and documents useful for improving the safety of your operations. Check: www.fmcsa.dot.gov/factsfigs/eta/index.html.
12. Notice: On April 28, 2003, the FMCSA published a final rule revising the hours-of-service regulations for commercial motor vehicle drivers. Under the new rule, drivers may drive 11 hours after 10 consecutive hours off-duty, but may not drive beyond the 14th hour after coming on-duty. Similar to existing rules, drivers may not drive after being on-duty for 60 hours in a seven-consecutive-day period or 70 hours in an eight-consecutive-day period. This on-duty cycle may be restarted whenever a driver takes at least 34 consecutive hours off-duty. Short-haul truck drivers, who routinely return to their place of dispatch after each duty tour and then are released from duty, may have an increased on-duty period of 16 hours once during any seven consecutive day period.

Passenger-carrying motor carriers and drivers are not subject to the new maximum driving limits. For more information on these regulations, please access the FMCSA website at www.fmcsa.dot.gov.
13. For questions about DOT numbers or biennial updates: 800-832-5660 or 703-280-4001
For questions about licensing, authority or MC numbers: 202-366-9805
For questions about insurance: 202-385-2423
For household goods complaints: 888-DOT-SAFT (888-368-7238)



14. FATIGUE BASIC PROCESS BREAKDOWN: Policies and Procedures

DESCRIPTION OF PROCESS BREAKDOWN

BASIC SPECIFIC RECOMMENDED REMEDIES

Implement Safety Improvement Practices: The following are recommended practices related to Policies and Procedures.

- Develop a policy requiring drivers to report their available hours to dispatch during "check in" calls.
- Establish a policy that prohibits dispatchers from assigning a load to drivers without hours available to complete the load on time.

Passenger Carriers:

- Establish policy and procedures that account for available hours for separate operations within-company, for intermittent drivers, and for "extended day."
- Develop a policy that discourages long-distance trips that depart at night and outlines acceptable route-scheduling procedures.
- Develop a policy that prohibits drivers from deviating from the stated itineraries, and advises customers of this policy.

Hazmat Carriers:

- Develop clearly written policy and procedures for all personnel involved in accepting loads, assigning drivers, and establishing delivery schedules, taking into account the full operational process and enabling dispatchers to safely manage all types of HAZMAT loads within Hours of Service.

Seek Out Resources:

- You are encouraged to review your company's record at the following website: [HTTP://AI.FMCSA.DOT.GOV/CSI](http://AI.FMCSA.DOT.GOV/CSI). You will need to use your PIN Number that has been provided by the FMCSA. This website contains helpful safety resources. Please refer to the following resource numbers in the "Guidance" Section of the CSI web page that connects you with the reference materials in this website.
 - o Resource Number:
- Contact industry associations to get resources and ideas on safety improvement practices from other carriers in the industry.

15. VEHICLE MAINTENANCE BASIC PROCESS BREAKDOWN: Policies and Procedures

DESCRIPTION OF PROCESS BREAKDOWN

BASIC SPECIFIC RECOMMENDED REMEDIES

Implement Safety Improvement Practices: The following are recommended practices related to Policies and Procedures.

- Develop a policy that ensures drivers are trained and complete daily vehicle inspection reports.
- Develop an effective system for drivers to communicate vehicle defects to management.
- Develop a procedure that ensures vehicle repairs are completed in a timely manner and ensures that repairs which have an impact on safety and/or safety compliance are repaired immediately.
- Develop a policy that ensures that vehicles identified to be fixed are repaired properly and in a timely manner.
- Develop a system of preventative maintenance and inspection to ensure safe and efficient fleet operations.
- Develop a policy requiring all drivers to submit copies of all inspections to carrier management within a designated timeframe.

Passenger Carriers:

- Develop systematic procedures for critical maintenance items—for example, checking wheel- hub-lubrication levels according to the manufacturer's recommended inspection intervals, and regularly inspecting wiring and electrical systems, passenger seats, and emergency exits.
- Consider installation of fire-detection-and-suppression systems on current fleets and as purchase options on new coaches.

Seek Out Resources:

- You are encouraged to review your company's record at the following website: [HTTP://AI.FMCSA.DOT.GOV/CSI](http://AI.FMCSA.DOT.GOV/CSI). You will need to use your PIN Number that has been provided by the FMCSA. This website contains helpful safety resources. Please refer to the following resource numbers in the "Guidance" Section of the CSI web page that connects you with the reference materials in this website.
 - o Resource Number:
- Contact industry associations to get resources and ideas on safety improvement practices from other carriers in the industry.

16. CONTROLLED SUBSTANCES AND ALCOHOL BASIC PROCESS BREAKDOWN: Roles and Responsibilities

DESCRIPTION OF PROCESS BREAKDOWN

BASIC SPECIFIC RECOMMENDED REMEDIES

Implement Safety Improvement Practices: The following are recommended practices related to Roles and Responsibilities.

- Identify, clearly define, and document roles and responsibilities of Designated Employer Representative (DER) in monitoring test procedures and checking results.
- Identify, clearly define, and document roles and responsibilities of managers in providing training and qualification for all employees regarding regulations and company policy and procedures concerning controlled substances and alcohol.
- Assign and reinforce continuing responsibility of Substance Abuse Professional (SAP) to inform management of implications of regulatory requirements and best practices.

Seek Out Resources:

- You are encouraged to review your company's record at the following website: [HTTP://AI.FMCSA.DOT.GOV/CSI](http://AI.FMCSA.DOT.GOV/CSI). You will need to use your PIN Number that has been provided by the FMCSA. This website contains helpful safety resources. Please refer to the following resource numbers in the "Guidance" Section of the CSI web page that connects you with the reference materials in this website.
 - o Resource Number:
- Contact industry associations to get resources and ideas on safety improvement practices from other carriers in the industry.

17. CRASH INDICATOR BASIC PROCESS BREAKDOWN: Roles and Responsibilities

DESCRIPTION OF PROCESS BREAKDOWN

BASIC SPECIFIC RECOMMENDED REMEDIES

Implement Safety Improvement Practices: The following are recommended practices related to Roles and Responsibilities.

- Identify, clearly define, and document roles and responsibilities of drivers and managers with respect to the carrier's policies and procedures on safe driving and the timely reporting of violations and crash involvement.
- Establish roles and responsibilities for managers and experienced drivers for providing oversight and instruction to newer drivers.
- Identify, clearly define, and document role of senior manager(s) responsible for monitoring compliance in accordance with regulatory reporting and company policies and procedures.

Seek Out Resources:

- You are encouraged to review your company's record at the following website: [HTTP://AI.FMCSA.DOT.GOV/CSI](http://AI.FMCSA.DOT.GOV/CSI). You will need to use your PIN Number that has been provided by the FMCSA. This website contains helpful safety resources. Please refer to the following resource numbers in the "Guidance" Section of the CSI web page that connects you with the reference materials in this website.
 - o Resource Number:
- Contact industry associations to get resources and ideas on safety improvement practices from other carriers in the industry.

18. General Recommendations

For all investigations:

- **Understand Why Compliance Saves Time and Money:** Compliance with FMCSRs will not only save lives, but also saves your business time and money. Tracking how much your business spends on non-compliance activities can help you understand the many benefits of compliance to your business and why safety is good business.
- **Apply Adequate Resources:** Apply adequate resources to properly implement safety management practices. Consider reallocating responsibilities, additional staffing, contracting, or investing in technology to aid in this responsibility.
- **Document and Follow Through on Action Plans:** Document and follow through on action plans to ensure the actions you are taking are creating improvement in safety management and compliance.
- **NOTICE:** A pattern and/or repeated violations of the same or related acute or critical regulations (violations of the same Part in Title 49, Code of Federal Regulations) will cause the maximum penalties allowed by law to be assessed under Section 222 of the Motor Carrier Safety Improvement Act of 1999 (MCSIA). A pattern of violations means two or more violations of acute and/or critical regulations in three or more Parts of Title 49, Code of Federal Regulations discovered during any eligible investigation. Repeated violations means violation (s) of an acute regulation of the same Part of Title 49, Code of Federal Regulations discovered in an investigation after one or more closed enforcement actions within a six year period and/or violation(s) of a critical regulation in the same Part of Title 49, Code of Federal Regulations discovered in an investigation after two or more closed enforcement actions within a six year period.
- **PLEASE NOTE:** The violations discovered during this compliance review may affect the civil penalty proposed in any subsequent Notice of Claim. In addition, your history of prior violations of the Federal Motor Carrier Safety Regulations, Federal Hazardous Material Regulations or the Federal Motor Carrier Commercial Regulations may also affect the civil penalty proposed in any subsequent Notice of Claim. Your signature for receipt of this report acknowledges your understanding that the violations discovered by the FMCSA during this review/inspection may be used to calculate any civil penalty proposed as a result of this review. Your signature is not an admission of the violations identified Attachment A.

[For cases in which enforcement will be taken] Attached to this report is Table 1, which identifies all the documented violations which were discovered during the course of this [compliance review/roadside inspection].

- All motor carriers and truck drivers are needed to fight against terrorism and hijacking. You could be a target. Protect yourself, your trucks, your cargo, and your facilities. Discuss with your employees/drivers the "Security Measures for Truck Drivers and Companies" which were provided and reviewed with motor carrier official.

For all investigations where the carrier has been involved in 2 or more recordable crashes:

The Division Administrator/State Director will continue to consider preventability when a motor carrier contests a proposed safety fitness rating. The motor carrier may deem that the recordable accident rate is not a fair means of evaluating its accident factor (Factor 6) on the CR report. If so, the motor carrier must submit the compelling evidence within seven calendar days if the proposed rating is Unsatisfactory and 10 calendar days if the proposed rating is Conditional to:

Division Administrator/State Director

Federal Motor Carrier Safety Administration
Mailing Address
City, State Zip Code

Compelling evidence must be limited to official police accident reports and official insurance accident investigation reports.

For all investigations resulting in a proposed conditional or unsatisfactory rating:

385.15

If you believe the proposed rating is in error and there are factual and procedural issues in dispute, Part 385.15 (copy provided) outlines procedures for petitioning the Federal Motor Carrier Safety Administration for an administrative review of these findings. Your petition should be addressed to:

Chief Safety Officer
Federal Motor Carrier Safety Administration
1200 New Jersey Avenue SE,
Washington, DC 20590

385.17

In addition, a request for a revised rating based on corrective actions may be made at any time. Part 385.17 (copy provided) outlines the procedures for such a request. The request must be made in writing, must describe the corrective action taken and must include other documentation that may be relied upon as a basis for the requested change. Address your written request to:

Field Administrator
Federal Motor Carrier Safety Administration
Mailing Address
City, State Zip Code

For all investigations resulting in a proposed unsatisfactory rating:

- **Passenger & Placardable HM Carriers:** This review will result in a Proposed Safety Rating. The findings indicate you are currently operating at an unsatisfactory level of safety compliance. A written notice of proposed unsatisfactory rating will be sent to you by the FMCSA via U.S. Mail. If you fail to obtain an improved rating within 45 days of the date that notice is sent, the unsatisfactory rating will become final and you must cease interstate operations.

Information on your compliance status, roadside inspections, regulatory changes, accident counter measures and hazardous material counter measures is available on the Internet at the Federal Motor Carrier Safety Administration's web site at <http://www.fmcsa.dot.gov/> and <http://www.safer.fmcsa.dot.gov/>.

- **All Other Motor Carriers:** This review will result in a Proposed Safety Rating. The findings indicate you are currently operating at an unsatisfactory level of safety compliance. A written notice of proposed unsatisfactory rating will be sent to you by the FMCSA via U.S. Mail. If you fail to obtain an improved rating within 60 days of the date that notice is sent, the unsatisfactory rating will become final and you must cease interstate operations.

Information on your compliance status, roadside inspections, regulatory changes, accident counter measures and hazardous material counter measures is available on the Internet at the Federal Motor Carrier Safety Administration's web site at <http://www.fmcsa.dot.gov/> and <http://www.safer.fmcsa.dot.gov/>.

For all investigations that did not result in a Cooperative Safety Plan:

You may prepare a corrective action letter, addressing the measures taken to correct the violations identified within this report. Submit this letter, and any additional evidence necessary to prove the corrective action has been taken to:

Field Administrator
FMCSA, "Specific" Service Center
Mailing Address
City, State Zip Code

Ensure that a CC copy of the letter is mailed to:
Division Administrator/State Director
FMCSA, "Specific" Division
Mailing Address
City, State Zip Code

This letter should be submitted as soon as possible. If you have a proposed Unsatisfactory or Conditional Rating the letter must be submitted prior to the effective date of your Unsatisfactory or Conditional Rating.

19. DRIVER FITNESS BASIC PROCESS BREAKDOWN: Roles and Responsibilities

DESCRIPTION OF PROCESS BREAKDOWN

BASIC SPECIFIC RECOMMENDED REMEDIES

Implement Safety Improvement Practices: The following are recommended practices related to Roles and Responsibilities.

- Identify, clearly define, and document roles and responsibilities of drivers, dispatchers, and other personnel according to driver fitness regulations and company policies and procedures.
- Identify, clearly define, and document roles and responsibilities of managers in providing training and maintaining qualifications for all employees, according to driver fitness regulations and company policy and procedures.
- Identify, clearly define, and document role of senior manager(s) for implementing driver fitness policies and for monitoring compliance with these policies.

Seek Out Resources:

- You are encouraged to review your company's record at the following website: [HTTP://AI.FMCSA.DOT.GOV/CSI](http://AI.FMCSA.DOT.GOV/CSI). You will need to use your PIN Number that has been provided by the FMCSA. This website contains helpful safety resources. Please refer to the following resource numbers in the "Guidance" Section of the CSI web page that connects you with the reference materials in this website.
 - o Resource Number:
 - Contact industry associations to get resources and ideas on safety improvement practices from other carriers in the industry.
- 20.** To better understand your company's responsibilities under the Department of Transportation's Americans with Disabilities Act (ADA) regulations concerning accessibility of over-the-road buses, review the information on the Federal Motor Carrier Safety Administration's Web site at:
<http://www.fmcsa.dot.gov/rules-regulations/bus/company/ada-guidelines.htm>
- 21.** Provide pre-trip safety information to motorcoach passengers. For information about the Basic Plan for Motorcoach Passenger Safety Awareness that was published by the Federal Motor Carrier Safety Administration, go to the Agency's Web site at:
<http://www.fmcsa.dot.gov/about/outreach/bus/bus-safety-awareness-plan.htm>
- 22.** Copies of the regulations, forms, interpretations, and manuals are available from a variety of sources. Check the FMCSA website for a current list of suppliers. www.fmcsa.dot.gov/safety-security/eta/index.htm
- 23.** Ensure that all vehicles are properly marked with your name or trade name and U.S. DOT number. If your vehicles are also periodically operating for other carriers, they must be marked with that carrier's name and U.S. DOT#.

24.

You are encouraged to review your company's safety record at the following website: <http://ai.fmcsa.dot.gov/sms>. You will need to use your PIN number that has been provided by FMCSA. Also visit <https://portal.fmcsa.dot.gov> which provides real time data and the opportunity to review you safety data. Registration and access is free.

25. If you have any questions concerning this report, please contact the South Carolina State Transport Police, Motor Carrier Compliance Unit, 10311 Wilson Blvd., Building D-2, Post Office Box 1993, Blythewood, SC. 29016. Phone: 803-896-2696. FAX: 803-896-5526.





C & S TOURS LLC
USDOT#: 2368679

Review Date:
6/3/2013

Part C

Corporate Contact: Carl E. Council
Corporate Contact Title: Owner

Special Study Information:

Remarks:

REASON FOR SAFETY AUDIT:

This safety audit was conducted as a result of the carrier being identified on the MCMIS new entrant safety audit list. This company has had no prior safety audits.

CARRIER'S OPERATION DESCRIPTION:

C & S Tours, LLC, USDOT # 2368679 is an authorized for hire carrier that transport passengers in interstate commerce. The carrier's principal place of business and mailing address is 1024 Martin Luther King Blvd, Hopkins, SC. This safety audit was conducted at the carrier's principal place of business where all of the carrier's records are maintained. Carl E. Council is the owner and is responsible for the day to day operations of this carrier.

This carrier received its USDOT Number on 01/10/2013 and made his first interstate trip 05/30/2013 to Georgia. The carrier's gross income as of 05/30/2013 was \$13,000.00. The extrapolated fleet mileage was 36,792 miles. The carrier's Federal Tax Identification Number is 46-0775205(EIN). This carrier operates with 1 motor coach with a GVWR greater than 26,001 pounds.

PRE-INVESTIGATION/CDLIS CHECK:

The carrier profile was downloaded on 06/02/ 2013. The CDLIS program is inactive. However, a driver's records check was performed through South Carolina Department of Motor Vehicles which confirmed that Carl E. Council, SC DL# 007975343, has a valid CDL, with passenger endorsement. L&I revealed that the carrier's financial responsibility is active. CSA was checked to verify the carrier's on-road safety performance in the safety measurement system. The carrier's UCR registration check revealed that the carrier's UCR fee for 2013 has not been paid. Carl E. Council did not respond to the request for pre-safety audit information.

Authentication of MEC: Carl E. Council
DOB: 03/31/1963
GA CDL#: 007975343
ME License #: 8790- SC
Date of Certificate: 01/06/13
Results: Confirmed

INVESTIGATION:

C & S Tours, LLC, in general, records are maintained in fair condition. There were violations noted in several parts of the FMCSR.

Part 387 - This carrier has \$5,000,000.00 in financial responsibility which was confirmed through L&I and verified with a valid MCS-90

Part 390 - The carrier has not been involved in a recordable collision. However, I explained the circumstances that require an accident register and copies of accident reports to be maintained. We also discussed post accident alcohol and controlled substances testing requirements outlined in Part 382.303. The carrier was provided with an accident register from the ETA packet.

Part 391 - The carrier's DQ file was in poor condition. Most of the documents were missing. Carl E. Council and I discussed Part 391.1 with special emphasis on Part 391.1(a) and 391.1(b). We also discussed each document that is required in the DQ file as outlined in Part 391.51 to include when those documents are required to be completed. Carl E. Council was also reminded of the annual investigative requirements. The retention period for the DQ file to include those documents that can be removed from the DQ file after 3 years were also discussed.

Part 382 - The carrier has implemented an alcohol and controlled substances testing program. Carl E. Council has also enrolled in a random testing program and is testing at the required levels for alcohol and controlled substances. We discussed the requirements of Part 382.301 (Pre-employment testing) and Part 382.305 (Random testing). We also discussed Part 382.507 (Penalties for violating this part of the FMCSR) and the records retention requirements outlined in Part 382.401.



395 with emphasis on Part 395.5. Additionally, we reviewed the possible penalties for violating this part of the FMCSR as outlined in Part 395.8(e). The retention period for RODs along with supporting documents were discussed. Form and manner requirements were also emphasized.

Part 396 - The evaluation of Part 396 revealed that Carl E. Council has established a maintenance program for his motor coach. However, the folder was missing the vehicle identification information. Carl E. Council and I discussed the requirement to identify the vehicle maintenance folder as outline in Part 396.3(b)(1), a means to indicate the service to be performed as required in Part 396.3(b)(2) and a record of inspections, repairs and maintenance indicating the date and nature of the service as outlined in part 396.3(b)(3). Carl E. Council was also reminded of the periodic inspection required in Part 396.17. We also discussed the requirements of Part 393.62 of the FMCSR to include the records keeping requirements outlined in Part 396.3(c) and 396.21(b)(1).

DOCUMENTS PROVIDED TO THE CARRIER:

Carl E. Council was given a tour of the FMCSA and CSA web sites. I emphasized the importance of registering and frequently viewing the information contained in CSA. Carl E. Council was also given a copy of, "Portal Access for Companies" instructions. The carrier was also given a copy of "Best Practices for DOT Random Drug and Alcohol" brochure, CSA information flyer "Just the facts" and CDL 18 along with instructions. The carrier was also advised that access to CSA could be obtained by using the carrier's USDOT Number and PIN. I also demonstrated how to access information from the FMCSR and the ETA packet.

CONCLUSION:

Carl E. Council, owner, was present for the close-out session. We discussed each pertinent part of the FMCSR sequence-by-sequence to include those areas where violations were discovered. Additional time was taken in order to explain detailed portions of the FMCSR. Carl E. Council was reminded of all record-keeping requirements. He was very cooperative and displayed an interest in complying with the FMCSR during the safety audit.

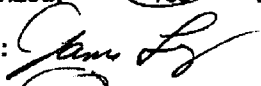
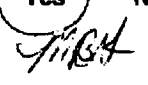
The carrier's overall safety audit result was pass. The crash rate was 0 per million miles. The OOS rate was not calculated because there was no vehicle inspections on the carrier's profile. A vehicle safety inspection was not conducted because the vehicle was not available. Carl E. Council, owner, took notes and asked questions.

At the conclusion of the safety audit, I asked Carl E. Council, owner, if he had any additional questions. His answer was no.

All carrier documents reviewed during this safety audit were obtained from Carl E. Council, owner.

A copy of this safety audit was given to Carl E. Council, owner, on May 21, 2013. Telephone # 803-310-6177.

James Lyons SC0162
Safety Auditor

Upload Authorized:	<input checked="" type="radio"/> Yes	<input type="radio"/> No
Authorized by:		Date: 6/9/13
Uploaded:	<input checked="" type="radio"/> Yes	<input type="radio"/> No
Verified by:		Date: 6/10/13